

DIME NOVEL ROUND-UP

A monthly magazine devoted to the collecting, preservation and literature of the old-time dime and nickel novels, libraries and popular story papers.

Vol. 43, No. 6

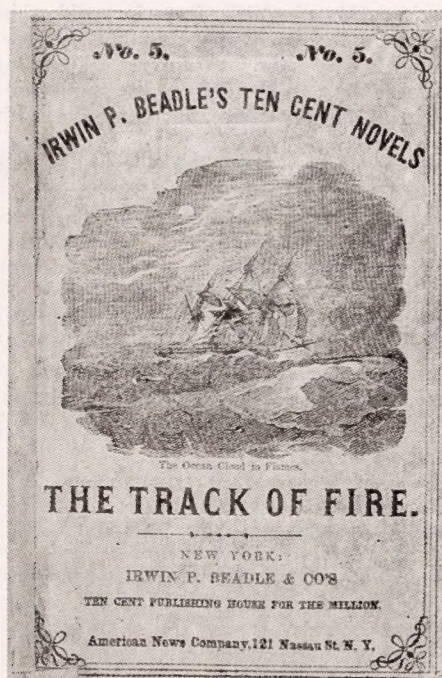
June 15, 1974

Whole No. 501

Chapters From the Chronicles of Nick Carter

By J. Randolph Cox

(Conclusion)



DIME NOVEL SKETCHES NO. 173

IRWIN P. BEADLE'S TEN CENT NOVELS

Publisher: Irwin P. Beadle & Co., 137 William St., New York, N. Y. Issues: 5. Dates: Nov. 11, 1863 to Feb. 1, 1864. Schedule of Issue: irregular (about once a month). Size: $6\frac{1}{2} \times 4\frac{1}{4}$ ". Pages: 100 pages. Price: 10c. Illustrations: Black ink drawing on buff colored cover, repeated as frontispiece. Contents: No. 1, The Hunters; or, Life on the Mountain and Prairie, by Edward S. Ellis; 2. The Trapper's Retreat, by Ellis; 3. The Patriot Highwayman; 4. The Hunted Unionist. or, The Fortunes of a Fugitive, by Illion Constellano; 5. The Track of Fire; or, A Cruise with the Pirate Semmes, by Capt. Wheeler. The name of the series was changed to Munro's Ten Cent Novels and the first 5 were reissued under that series name.

Chapters From the Chronicles of Nick Carter

By J. Randolph Cox

(Conclusion)

As usual, Nick finds he can jail a crook, but he cannot always keep him behind bars. Derrington is soon out, it would seem, but protesting his innocence and calling himself Covington. A second motif which runs through the cases for 1905 is that of the double. This time it is a case of twin brothers. But the truth will out, even at the expense of two lives, those of Clarence Morgan and his new bride, who was once a part of the Derrington confidence gang. Nick's greatest reward from this case is the service of Morgan's man, Joseph, who replaces the older servant, Peter, in the employ of the great detective. It is presumed that Peter retired soon after this.

A swindle involving the extracting of gold from sea water is the basis for the next adventure, told in two issues from early March: *The Great Gold Swindle* and *An East River Mystery*. It would seem to be a simple affair, easily solved, but there is nothing in Nick Carter's world which can be depended upon to remain simple. The vengeance brought by one partner in that swindle against the other spills over into several succeeding issues and adventures. There were loose ends to be tied up, beginning with the role played by Agnes Marlow. Held at bay by the great detective with his twin sleeve revolvers and

"every reader who is familiar with the history of Nick Carter knows about his method of carrying and using his weapons; they know about the spiral spring in his sleeves, and how adept the detective had become in his use of them; how readily he could, by a single motion, throw a cylinder revolver from his sleeves into either hand, and how accurately and how marvelously quick he could discharge either or both of them"—Still, Agnes Marlow escapes, by screaming and throwing herself toward him "in a leap which would have done credit to a four-footed animal, so that she covered the distance between them while the scream was still ringing from her throat." Of course, he could have shut her, but she depended upon his sense of chivalry as well as the surprise. He releases his hold on the guns and they snap back into his sleeves.

As the rest of the gang attacks, there is a demonstration of Nick's prodigious strength. There is strength enough in just his fingers to tear apart "four full packs of cards placed one on top of another." In this case, he coolly lifts two of his assailants by the necks and cracks their heads together. In the confusion, Agnes escapes by leaping from the nearby bridge into the East River . . . only to return the following week in the guise of the Phantom Highwayman of Westchester County. By the miracles wrought throughout Nick Carter's lifetime she is allowed to reform and to marry one of the gentlemen she holds up.

Nick Carter sits back at home to relax and read the copy of the *Herald* which Chick brings him. There is an interesting AP news story, date-lined

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San Francisco.

NICK CARTER DEAD !

The Great Detective Meets a Cruel Fate in San Francisco. Slain by an Unknown Assassin in Outskirts of the City—Body Fully Identified

Even Chick, un-demonstrative as a rule, finds this occasion for an outburst while Nick merely comments that "It is something out of the ordinary, I'll admit," and begins packing a fresh disguise kit for the journey West.

The explanation is a simple one—the Nick Carter killed in San Francisco was a hitherto-unmentioned cousin, also named Nick Carter, son of the black sheep of the family. When last heard from he had gone to Russia as a mechanic with an American railway contractor. He soon became involved in a robbery and was sent to Siberia for life. While there he fell in with another old foe of Nick Carter's—one James Dorrant. And thus begins another adventure involving a search for stolen diamonds and the pursuit of a band of Russian thieves.

The gambit of identical twins (sometimes so identical the twins themselves are confused) may seem to play an overly important role in Nick Carter's cases as recorded in 1905. It is a wonder he withstood it at all, but perhaps he had become accustomed to things never being what they seemed on the surface. It may account for his own great reliance on disguise.

In *The Pirate of the Sound*; or, Nick Carter's Midnight Swim and The Cruise of the Shadow; or, Nick Carter's Ocean Chase, Captain Sparkle, the yacht pirate (he only robs yachts) is unmasked as being one or both of two Count Cadillacs—one called Jean, the other, Jules. Operating from a submarine called The Shadow, Jules will board and loot the yacht on which Jean is a guest, preparing the way for his brother. Trailing the submarine to the Cadillac island hideout, Nick proves himself an accomplished swordsman in a duel with one Antoine Lafetre. He bests him in a match that would have done credit to his inspiration, d'Artagnan.

"He seemed to cover himself with steel; his weapon glinted like a thousand gems through the air, darting in and out like flashes of lightning, forming a perfect shield around his head and breast, and, at the same time, dancing through the guard of his opponent with every thrust he made."

Resting up from his exertions, Nick accepts a case for Miss Alegra Calaway who suspects that the man who claims to be her father is no relation at all. And so it proves as Nick unveils yet another fraud in the case of the Prince of Imposters before leaving for St. Louis to help the son of an old friend who has been accused of theft. A simple enough case were it not for the re-appearance of Cora Reese, alias Madame Ree, who was last seen allied with James Dorrant and the Russian thieves in that affair of the other Nick Carter in San Francisco.

For this year alone, the great detective needs an index file labeled *Who's Left at Large* as he completes each investigation. There is no telling who will be responsible for the next problem. Occasionally, there is no way of telling who may be linked to the last case. When Cora Reese is killed on the wharf in *The Mystery of John Dashwood*, there is a large amount of money missing from her person. Before the solution to the theft can be arrived at, there is an intervening problem. Granville Q. Thompson calls at Nick's home off Fifth Avenue with the account of something he has seen on the screen at Jeremy Stone's biograph museum in the Bowery. (Jeremy Stone was on hand for Nick's previous encounters with Dr. Quartz, so they have much reminisce-

ing to take care of this time.) A crowd scene in the film shows a crime being committed—first a purse-snatching and then a murder—. Due to certain habits of his (notably the taking of hashish), Mr. Thompson fears that he may have committed the murder himself. He was present for the filming and there is a peculiar gap in his memory of recent events.

The following week finds Nick in Washington, D. C. once more to investigate the Playfair case. James Playfair, retired merchant, is found strangled to death, apparently the victim of a robber. Near the body is a crumpled hundred dollar bill with a serial number identifying it as one of those stolen from the body of Cora Reese in St. Louis. The case is titled, *Following a Blind Trail*; or, *Nick Carter's Best Guess*, which may indicate the great detective is not above relying on guess-work as well as deduction. Nick's client, Jackson Feversham, a close friend of the murdered man, is so impressed by his success in finding the killer of Playfair that he invites the great detective to his ranch in New Mexico.

Even while on vacation in the southwest, Nick can find no rest. His new client is Raymond Farley, unjustly convicted of a murder and awaiting execution. He lives literally *In the Shadow of Death* as the case is called. This far from his home territory, Nick finds himself in a situation not unlike some still used by television mystery writers. He is accused of not being the great detective at all, but a notorious swindler named Ferguson. It is a ploy by someone to get him out of town until after the execution.

The case solved to everyone's satisfaction, Nick returns to New York to help Arthur Atherton, a young stockbroker whose life has been threatened by persons un-seen and un-known. Notes come in the mail, he is struck down in the street by an unseen missile, and a message suddenly appears written across his bedroom wall. Clearly, his days are numbered. The solution involves a visit to Egypt which Atherton made some two years before. Behind it all stands a woman and her jealous would-be suitor.

Nick's cases become increasingly bizarre as the month of June approaches in the record. A man is found stabbed by a gardener's sickle, but there is evidence of a wound from some other kind of blade as well. A mixed marriage between an American millionaire and the daughter of the Maharajah of Poot-jahr spells trouble for the newlyweds, until the arrival of a *deus ex machina* in the person of a mysterious avenger known only as The Unaccountable Crook. He has been given this name in police circles not only because of his habit of doing the unexpected, but for his chivalry toward the women he may rob. Nick encounters him in a scene that could have inspired *The Shadow*. With his face muffled to the eyes, the mystery man enters Nick's home once the lights in the hall have been extinguished. He leaves as quickly and silently as he came once he and Nick have had their conversation.

In the following week's episode (*The Mystery of the Front Room*; or, *Nick Carter's Marvelous Work*) he reveals his real name, Carrington Ordway, and the motive behind his strange life. The explanation leaves much to be desired. All these years he has been seeking his lost daughter and now must prove to her he is not the monster her mother claimed he was. Perhaps he should have stayed in those shadows. But, then, he was always Unaccountable.

There is a change of pace in the story of the abduction of Dalma Doreen and the subsequent murder of her husband-to-be, Paul Genett. Some of it is seen through the eyes of police officer Maglin when he overhears someone talking about killing in the park. The episode, called *The Crime of Union Square*; or, *Nick Carter's Ten Deductions*, also introduces the "physiognomist," Jack Cracker—alias Crack-a-jack—who is hired by Killer Gordon Merrit to alter his appearance. Merrit had already bribed his way out of prison with

a million dollars. Today, Crack-a-jack's skill might be known as plastic surgery.

There was a time—during Nick Carter's early career—when Thomas Byrnes was chief of New York's police force. Now, in 1905, he is retired and serving as Watsonian assistant to Nick Carter for several weeks. No reference is made to the charges of corruption during his administration and his subsequent removal from office. He is still the great Thomas Byrnes, as he appeared yet to many people, including Nick Carter's biographer, Frederick Dey.

Perhaps the most intriguing part of John Fayne's murder of Jasper Millington in the case called *The Broadway Cross* is the use made of criminal curiosity and superstition. Byrnes tells Nick of "The Broadway Cross," a spot in New York City across which passes every criminal in the city—eventually. To force a confession from Fayne, Nick tells the man about this bit of police lore in such a way that Fayne can no more avoid going there than "a duck will keep away from a pond of water."

At the site of the capture Fayne shoots his sister, Cora, whom he feels has betrayed him. While awaiting execution, Fayne is not forgotten by his wife Janet, who has gone mad and under the name of "The Princess Possess" threatens Nick Carter. She announces her intentions through a package-message. Inside, Nick finds the severed hand and arm of Cora Fayne, a note between the dead fingers.

Bizarre and outre as this case would seem, what of the curse visited upon each bride in the Quexel family—death strikes every tenth year, just as it has since 1845. A peculiarity of the Quexels (and one never satisfactorily explained) is that the men all bear a Christian name which also begins with the letter "Q." Nick does consider this a "ku-urious" circumstance, but no one is able to enlighten him on the reason for the tradition.

What is the fate of a man, down on his luck, who tries to hold up Nick Carter on the streets of Cambridge, Mass., for the price of a meal? And what is the fate of his wife who leaves a note for him, pinned to a hundred dollar bill that is part of the loot taken in a recent robbery? The story is called *Missing! A Sack of Gold*; or, *Nick Carter and the Express Office Mystery*, and we are brought now to the month of August in the *Chronicles*.

If the impression has been made that Nick Carter's cases for 1905 (and, by inference, most of his for other years, as well) are all lurid, action-filled melodramas, the one his biographer chose to call *The Great Cathedral Mystery* should dispell this. On the surface, a quiet, small-town case, it has ramifications reaching to Madrid. It is the account of an ingenious scheme to rob the great cathedral of that city of its treasures, then identify the robber beyond any doubt, and finally make it appear as though the robber is dead. With the pressure off, the thief changes his name and retires, a millionaire. The story is told almost entirely in dialogue, the working of the great detective's mind evident as he pieces together the complete story.

The case that follows, and that is really an extension of the *Cathedral Mystery* demonstrates how tricky a problem the matter of the proper chronology of Nick Carter's cases can be. The Quexel case must have occurred in 1905—since all of the tragedies took place ten years apart in years ending with the number five. Yet here, following the Quexel case, is a letter from Robert Clark, the partner-in-law, but not in crime, of the ingenious jewel thief and murderer of the *Cathedral* case, a letter clearly dated September 10, 1904.

But, no matter. This is not the occasion for a discussion of the proper chronology of events in Nick Carter's life. There are new problems and fresh dangers awaiting the great detective. There is yet another old foe ready to

resume his contest with Nick Carter—Carruthers. The great ruby known as the Demon's Eye is the objective as Nick meets another one of the infamous Carruthers brothers who have crossed his path infrequently since 1892.

During this round it is Maitland Carruthers who hopes to succeed where brothers Livingstone and the youngest one (unnamed here) have failed in the past. But a man who has come through so many adventures in 18 years is not likely to be stopped easily—not when he has come halfway around the globe to India to recover the great ruby. The fate of Maitland Carruthers is left somewhat un-resolved at the end of the case of *The Great Orloff Ruby*. Perhaps the master detective and the master criminal will meet once more. A brief encounter with the Mafia intervenes in *Nick Carter's Human Weapon; or, The Woman With the Branded Face* before the two do meet again and Carruthers is placed behind bars.

But a master criminal worth his salt is not likely to remain in prison for long. Not counting the intervening episode, the battle this time has lasted for five weeks, as time is measured in the *Nick Carter Weekly*. At the end of the episode called *A Tragedy of the Sea; or, Nick Carter's Desperate Fight*, Maitland Carruthers meets what is assumed to be his final death, the victim of a shark in the sea off India.

It was toward the beginning of the Russo-Japanese War (in 1904) that the *Chronicles* say Nick Carter was in Japan, performing some services of state for the Emperor. It was during this period that he acquired a new assistant, a prince of the royal blood, named Ten-Ichi, who came to the United States to study under the great detective. Ten-Ichi has played small parts in some of the cases we have mentioned, but now he comes into his own.

The cases in question are *The Jiu-Jitsu Puzzle; or, Nick Carter's Athlete Enemy and Kairo, the Strong; or, Ten-Ichi and the Human Cyclone*. In the first, Ten-Ichi demonstrates not only that he is adept in the deadly science of jiu-jitsu (at which, of course, Nick Carter is also proficient) but also something called huatsu—a strange method of bringing a man back to life which seems to consist of a violent version of artificial respiration.

The dramatic moment in the first episode comes as Nick confronts the Japanese leaders of a kidnap plot, Tako Yogushimi and Kairo, the Strong. There is both a verbal and physical battle (interestingly enough, none of the Japanese characters in the Nick Carter series speaks dialect-English), but neither of the Japanese is a match for Nick Carter. But if they are no match for him, the precinct jails to which they and their American cohort, Parke Silverton, are taken are no match for their combined strength and cunning and the following week, two of them are free. These two are Kairo and Silverton.

After this, it is really Ten-Ichi's case as he cleverly smokes out the two criminals, but not so cleverly falls into the trap they have set for him. Strapped to a couch with his life's blood dripping from an artery in one arm, Ten-Ichi passes out with his childhood flashing before his eyes. When he awakes he finds his life has been saved by the quick intervention of June Lamartaine, Silverton's half-sister. The subsequent death of Silverton and the imprisonment of Kairo is not quite the end of the story, for there is a wedding to come as Nick Carter's assistant, Ten-Ichi, marries June Lamartaine.

"You have not lost an assistant, Mr. Carter" (she says) "You have gained a new one, for hereafter I intend to be counted as a member of your staff." Much the same sort of scene will take place in three years when Nick's assistant Patsy Garvan will marry Adelina de Mendoza of Valparaiso to make it a really international detective agency.

Perhaps it is best to close the book of the *Chronicles* for 1905 at this point, although there are still nearly a dozen cases to recount (it is only the 21st of October in the *Nick Carter Weekly*). There is *The Great Jewel Scan-*

dal, a matter of Foiling a Great Conspiracy, the affair of The Millionaire Cracksman (Putnam Pierce), the case of Scylla, the Sea Robber, known as The Beautiful Pirate of Oyster Bay, in which Connors of the Secret Service returns. There is also a case involving some other figures from Nick's past and a brief recounting of the first meeting with his chief assistant, Chick, in the episodes of The Man from Nevada and Maguey the Mexican.

The end of the Chronicles for 1905 comes in the episodes of Pedro, the Dog Detective and The Automobile Field. In these we are introduced to a new assistant, the great bloodhound, Pedro, who bears the same name as another famous bloodhound belonging to Sexton Blake. Nick Carter may have been a reader of Blake's adventures in the Union Jack. And while this is not the first appearance of an automobile in the Nick Carter saga, it marks the beginning of a greater use of the machines by men on both sides of the law. The winding roads outside the city, and the streets of New York City itself will soon be the setting for high speed chases.

But for that we will have to turn to another volume in the Chronicles of Nick Carter—and another year. It is the end of 1905 now, but not the end of the career of America's greatest detective—Nick Carter.

Notes

1. Coryell, John R. "Reminiscences of Nick Carter," *Street & Smith's Detective Story Magazine*, 5 March 1918, p. 46.
2. Schlesinger, Jr., Arthur. "The Business of Crime," Thomas Byrnes' *Professional Criminals of America*. (NY: Chelsea House, 1969), pp. xiv-xv.
3. Haycraft, Howard. *Murder for Pleasure: The Life and Times of the Detective Story*. NY: Appleton-Century, 1941. p. 83.
4. Symons, Julian. *Mortal Consequences: A History—From the Detective Story to the Crime Novel*. NY: Harper & Row, 1972; Murch, A. E. *The Development of the Detective Novel*. Port Washington, NY; Kennikat Press, 1968. (orig. pub., 1958).

PATTEN VS. SUPERIOR TALKING PICTURES, INC.

The following is reprinted from "Decisions of the United States Courts Involving Copyright 1924-1935, Bulletin No. 20" published by the Government Printing Office, Washington 1936. (Sent in by J. Randolph Cox).

(District Court, S. D. New York. July 23, 1934)
3 Fed. Supp. 196

1. Copyrights.

Copyright to "Frank Merriwell" stories held not to cover title to stories.

2. Trade marks and trade names and unfair competition.

Name which has become descriptive and is closely identified in public mind with work of particular author may not during life of copyright be so used as to mislead, and after expiration of copyright cannot be used unless adequate explanation is given to guard against mistake.

3. Trade marks and trade names and unfair competition.

Where name "Frank Merriwell" had become associated in public mind exclusively with author of Frank Merriwell stories, and was name highly descriptive of his work, under rules of unfair competition author would be protected from unauthorized use of name in cinema by prospective if not actual competition, as long as he held exclusive rights to dramatize by means of cinema.

Suit by Gilbert Patten, also known as Burt L. Standish, against the Su-

perior Talking Pictures, Incorporated. On motion for preliminary injunction.

Motion granted.

Howard A. Newman, of New York City, for plaintiff.

Harry G. Kosch, of New York City (Harry G. Kosch and Edmund Souhami, both of New York City, of counsel), for defendant.

COXE, District Judge. This is a suit to restrain the distribution or exhibition of motion pictures using in the title the name "Frank Merriwell"; and the present motion is for a preliminary injunction pending the trial of the action.

The plaintiff is the author of 1,236 stories, known as the "Frank Merriwell Stories," published during a number of years, commencing in 1896, under the pen name "Burt L. Standish." All of these stories have the names "Frank Merriwell" or "Merriwell" in the title and are covered by existing copyright, which are either held or controlled by the plaintiff. They revolve around a central character called "Frank Merriwell," and portray his adventures during school and college days, and after graduation. They were clean, wholesome stories of American life and had a tremendous appeal during the years preceding the World War. Indeed, they were so widely read that "Frank Merriwell" became a real and impressive figure in the imagination of the boys of the time, and the influence of his name and exploits extended to all parts of the country. Moreover, the stories were always associated in the public mind with the work of Burt L. Standish, the present plaintiff.

The defendant is a distributor of motion-picture films and on April 11, 1934, publicly advertised the early release of a series of 12 three-reel featurettes of the Northwest Mounted Police, entitled "Frank Merriwell, Flash (the Taling Horse), and Captain (King of Dogs)." These pictures have as characters an actor called "Frank Merriwell," a horse named "Flash," and a dog known as "Captain"; but it is not seriously contended that they are similar in theme, design, or plot to any of the plaintiff's stories.

The question, therefore, is whether the defendant is entitled to use in the distribution or exhibition of its pictures a name which has been popularized by the plaintiff in connection with his stories, and which has come to be identified in the public mind with his work; and on that issue the defendant insists (1) that the plaintiff's copyrights do not extend to the title, and (2) that the stories and the motion pictures are not in competition.

The first "Frank Merriwell" stories appeared weekly during the period from April 18, 1896, to February 6, 1915, in a magazine known as the "Tip Top Weekly," published by Street & Smith, and selling for 5 cents a copy. There were in all 986 stories published in that way, and each contained approximately 22,000 words. The average sales of the weekly were 100,000, and the total distribution for the entire period exceeded 98,000,000 copies. In addition, the name "Frank Merriwell" was elaborately advertised and kept before the public by the publishers by means of circulars, booklets, display pictures, and prize contests; and it has been estimated that over \$500,000 was expended for that purpose.

After 1915, the stories continued in book form, and were sold in paper covers for 10 cents each. There were over 250 of these paper-covered novels, and more than 25,000,000 copies are stated to have been sold in that form. In some cases, also, there were cloth-bound editions of certain of the novels, with approximate sales of 50,000 copies.

During the past three years, the plaintiff has been engaged in writing a pictorial strip called "Frank Merriwell's School Days" and "Frank Merriwell at Yale"; and this strip has appeared in over 200 daily newspapers throughout the country. The plaintiff has also broadcast recently the adventures of

"Frank Merriwell" three times weekly over a number of radio stations. In addition, there have been countless newspaper and magazine articles relating to "Frank Merriwell" and the plaintiff's connection with the stories.

Since 1924, the plaintiff at various times has had under consideration the possibility of producing a series of "Frank Merriwell" motion pictures, but it was only the past few months that negotiations were completed for the preparation of the script to be used in making such pictures; and in the *Film Daily* of March 9, 1934, there is a news item to the effect that "Frank Merriwell" would shortly be shown in motion pictures.

The motion pictures which the defendant is planning to distribute are being produced under a written contract dated April 9, 1934, giving the defendant the exclusive distributing rights to the pictures throughout the world.

(1-3) The plaintiff's copyrights do not cover the titles to the stories. *Harper v. Ranous* (C. C.), 67 F. 904; *Glaser v. St. Elmo Co.* (C. C.), 175 F. 276; *National Pictures Theatres, Inc. v. Foundation Corporation* (C. C. A.), 266 F. 208; *Warner Bros. Pictures v. Majestic Pictures Corporation* (C. C. A.) 70 F. (2d) 310. But a name which has become descriptive, and is closely identified in the public mind with the work of a particular author, may not, during the life of the copyright, be used so as to mislead. *National Picture Theatres, Inc. v. Foundation Corporation*, supra; *Paramore v. Mack Sennett, Inc.* (D. C.), 9 F. (2d) 66. Nor may such a name be used even after the expiration of the copyright unless adequate explanation is given to guard against mistake. *G. & C. Merriam Co. v. Ogilvie* (C. C. A.), 159 F. 638, 16 L. R. A. (N. S.) 549, 14 Ann. Cas. 796; *Underhill v. Schenck*, 238 N. Y. 7, 20, 143 N. E. 773, 3 A. L. R. 303. In the present case, the name "Frank Merriwell" has become associated in the public mind solely and exclusively with the plaintiff's authorship; it is a name which is highly descriptive of his work; and ordinary principles of unfair competition are peculiarly applicable.

It is, however, insisted by the defendant that its motion pictures will not in any way compete with the "Frank Merriwell Stories"; but the law of unfair competition does not rest on any such sterile foundation. *Yale v. Robertson* (C. C. A.), 26 F. (2d) 972; *Wall v. Rolls-Royce* (C. C. A.), 4 F. (2d) 333; *Alfred Dunhill, Inc. v. Dunhill Shirt Shop* (D. C.), 3 F. Supp. 487. And as long as the plaintiff continues to hold the exclusive rights to dramatize by means of motion pictures (*Kalem Co. v. Harper Bros.*, 222 U. S. 55, 32 S. Ct. 20, 53 L. Ed. 92, Ann. Cas. 1913A, 1285), he should be protected from the unauthorized use of the name "Frank Merriwell" and "Merriwell" by a prospective if not actual competitor.

The motion for a preliminary injunction is granted.

MEMBERSHIP CHANGES

- 361. David C. Andrews, P. O. Box 53, Andes, New York 13731 (New memb.)
- 115. George Fronval, Fussey, 21700, Nuits Saint Georges (80) France
(Change of Address)
- 362. Virginia Faulkner, 75 Spring St., Morristown, N. J. 07960 (New memb.)
- 189. Ted Dikty, 6870 N. W. Portland Ave., West Linn, Oregon 97068
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LETTERS TO THE EDITOR

Dear Eddie,

Well, it has been a long time since I have written anyone about Tip Tops or anything else. Finally got the income tax season over, so I don't have that excuse any more.

I know it will be interesting to you to learn the result of my cataloguing the list of characters in the saga. I honestly feel that the Patten saga ended with No. 823. After that number, when Dick is at Yale as universal coach, the writer (Whitson?) keeps referring to the bad athletic years Yale has suffered. Dick had been graduated only the year before. Jim Phillips is now a sophomore at Yale, but had been discovered by Dick in California as a young pitcher before going to Farnham Hall, in 1911. The Olympics at Stockholm were in 1912, so I had no choice but to make this character another Jim Phillips. Those who want to subtract one from my total probably have every right to do so, but I believe the Tip Top purists might think differently.

At any rate, the total number counted every John the waiter, Bill the thug, Hank the man on the street, also every character referred to by name, as Prince of Wales, Pres. Taft, Ty Cobb, etc., are also included. I did not include fictional characters intended to be fictitious within the story, as Wiley's and Stretcher's characters (unless I believed him to be real, as Bill Dyer, Wiley's barber still waiting to collect for a shave.) I did include as real people in the story such names as those related to sports by reference as track and field performers discussed by Frank and Dick in speaking with classmates at Yale. When I found them listed as actual people when I was able to look them up, I listed them separately. A few were persons actually participating in the stories, as Pres. Taft, Christy Mathewson, Capt. Thomas Baldwin, and who else but Cap'n Wiley, among others.

So, the total came to 8,103 total characters, real or fictional, but not fictionally fictitious, as in Wiley's yarns. The list of real people came to

522. When I get around to alphabetize them, I may find some duplicates, but I think there would be very few, if any. The figures quoted take care of the saga from Nos. 1 through 850. I don't think it proper to go beyond that. If I take care of the New Tip Tops, I will make a new listing, add it to Tip Top, and subtract the few old regulars which make the liaison. I also made synopses of each story. We might be able to collaborate on a story of the saga if enough people cared to read about the Merriwells any more. It was saddening to read in Howard Cosell's book that "Frank Merriwell doesn't live here any more."

The stories following No. 823 lacked considerable punch. They mitigated the Merriwell dynamic personality, brought a dull plot into focus through a descriptive epilogue rather than dialogue, and used as few first names as possible. J. P. Guinon used to tell me he could tell which stories Patten wrote and which ones he did not. I believe I could almost do the same myself now.

Regards
Bob McDowell

Research historian will appraise museum collections and insurance claims relating to Automotive Trade Marks. Fee: \$15.00 an hour and all travel expenses.

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